United Nations ST/AI/2010/2

Secretariat

1 March 2010

Administrative instruction

Request for rectification of date of birth or of other personal data

The Under-Secretary-General for Management, pursuant to section 4.2 of the Secretary-General's bulletin ST/SGB/2009/4 and for the purpose of implementing staff rule 1.5, hereby promulgates the following:

Section 1
General provisions

1.1 The basic provisions concerning a staff member's obligation to supply the Secretary-General whatever information is required for the purpose of determining his or her status under the Staff Regulations and Rules of the United Nations or for completing administrative arrangements in connection with his or her appointment are set out in staff rule 1.5 (a). Staff rule 1.5 (b) likewise establishes that staff members shall be responsible for promptly notifying the Secretary-General, in writing, of any subsequent changes affecting their status under the Staff Regulations and Rules. The purpose of the present instruction is to provide guidelines for the application of staff rule 1.5: (a) in case of requests by staff for rectification of the date of birth or of other personal data supplied at the time of appointment and for the application of staff rule 1.5; and (b) in cases of requests by staff for rectification of personal data supplied subsequent to appointment.

1.2 Under staff rule 1.5 (a) staff members are responsible during the pre-recruitment phase and upon appointment for supplying the Secretary-General with the information required for the purposes described above. The personal history profile requires applicants for employment to state their date of birth and other personal data and to certify that the information provided is true, complete and correct to the best of their knowledge and belief. Accordingly, a staff member must ensure the correctness of the information provided and cannot claim a right of rectification of his or her recorded representation of facts that are within the staff member's responsibility and competence to establish and there is no legal obligation on the part of the United Nations to change the official record in respect of a fact originally submitted by a staff member for the purpose of his or her United Nations record. However, corrections may be made on an exceptional basis at the discretion of the Secretary-General, taking into account the interest of the Organization in order to ensure fair administration, under the conditions indicated below. The same considerations apply to the rectification of personal data supplied subsequent to appointment under staff rule 1.5 (b).

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Section 2
Criteria and procedure for rectification

2.1 A request for change of date of birth may be considered subject to the following requirements:

(a) The request is submitted either: (i) within two years of the date of the staff member's initial employment with the Organization; or (ii) within six months of the discovery by the staff member of the error, provided the staff member shows conclusively that exceptional circumstances existed which precluded his or her discovery of the error earlier;

(b) The request is submitted prior to the staff member's separation from service;[1]

(c) At the time of submission of the request, the staff member is less than 50 years old, according to the original date of birth.

2.2 A request for rectification of personal data other than date of birth provided at the time of appointment may be considered subject to the requirements indicated under subparagraphs 2.1 (a) and (c) above. In the case of information concerning changes subsequent to appointment, a request for rectification will be subject to the same requirements, except that the two-year period under subparagraph 2.1 (a) (i) above shall be counted from the date on which the information whose rectification is requested became known to the staff member.

2.3 Requests under paragraphs 2.1 and 2.2 above must be submitted to the Office of Human Resources Management through the staff member's executive or administrative office.

2.4 An explanation of the error in the original recorded date or information, as well as in any official documentation previously provided, and information on the time and circumstances of the discovery of that error will be required. The staff member has the burden of establishing his or her good faith in providing the original information, and also in submitting any subsequent request for rectification, proving that there was no motivation in the timing of such a request for rectification to ensure the applicability or non-applicability of a relevant staff regulation or rule, regulation of the United Nations Joint Staff Pension Board or personnel policy to himself or herself.

2.5 In order for the Organization to accede to the request of the staff member, the error of fact in the information initially provided must be substantiated by evidence of the authenticity of the newly submitted documents. The staff member has the burden of establishing to the satisfaction of the Secretary-General that the original information is incorrect, that it did not constitute a wilful misrepresentation of fact and that the newly produced documentation is authentic and correct.

2.6 After a careful review of a request for rectification of recorded facts, the human resources officer responsible in this matter shall submit the relevant comments on the receivability and merits of such a claim and the results of the examination together with the necessary documentation to the Chief, Human

[1] It should be noted that administrative rule B.3 of the United Nations Joint Staff Pension Board provides that "no change in the records relating to the date of birth of a participant or his or her prospective beneficiaries shall be accepted after the date of separation".

Resources Services, Office of Human Resources Management for staff serving at Headquarters, and to the Chief of Human Resources Management Services for staff serving at offices away from Headquarters and regional commissions, for further assessment of its validity. The Assistant Secretary-General for Human Resources Management shall take a final decision on a request for change of date of birth or other personal data on behalf of the Secretary-General and inform the staff member accordingly.

2.7 Any entitlement to an allowance, grant or other payment which may result from the acceptance of a staff member's request for rectification of personal data shall be subject, as appropriate, to staff rule 3.16 on retroactivity of payments. In such case, calculations for the purpose of retroactivity will start from the date on which the staff member's request was accepted.

2.8 The provisions of paragraph 2.2 above are without prejudice to the obligation of the staff member, if the staff member has received or is receiving payments from the Organization based on personal data he or she provided which he or she subsequently discovers to be erroneous, to immediately bring such an error to the attention of the Administration.

Section 3
Final provisions

3.1 The present administrative instruction shall enter into force on the date of its issuance.

3.2 Administrative instruction ST/AI/354 of 27 July 1988 is hereby abolished.

(*Signed*) Angela **Kane**
Under-Secretary-General for Management